THE HON'BLE SMT JUSTICE T MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K C BHANU

WRIT PETITION No. 23345 of 2005

ORDER (Per Hon'ble Smt Justice T Meena Kumari):

1. This is a taken up writ petition based on an article under the caption "Ragging drives student to suicide", in the "Paper clipping" dated 27.10.2005 of The New Indian Express daily news paper, and the report inter alia reveals that a first year student of Bapatla Engineering College, Bapatla, Guntur District namely Sri Katuri Alexander committed suicide by consuming pesticide at his residence in Chintgumpalli of Chinaganjam Mandal. As per Police, the said Alexander returned home a couple of days ago and informed his parents that the college is unsuitable for him, that on the same day the family members found him lying unconscious condition and that he later died at a private hospital. Hence, this Court, suo-mottu took the same on file as Taken Up W.P. and proceeded further.

02 Having heard the Government Pleader for Home and as the matter has a general importance relating to the student community, this Court felt that the matter can be disposed at the stage of admission itself.

03 It is the general phenomenon that the student-community, at large, at the beginning of the academic year has the fancy for ragging the new entrants in most of the post graduate colleges in professional courses and in the University portals. However, as the days passed, ragging has become a regular phenomenon when the educational institutions have lost their control over the incidents that occur due to the result of ragging if it is in very extensive manner as reported in the news papers in the present writ petition. It is also saddening to note that certain students resorted to commit suicide being unbearable of the harassment or torture in the name of ragging as they are not mentally prepared for such type of incidents in the colleges as they are fresh as to the college.

04 The Apex Court while dealing with a similar case in *Vishwa Jagriti Mission v.,*

Central Govt., about the meaning and cause of ragging held Ragging is any disorderly conduct whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness any other student, indulging in rowdy or undisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or a junior student. The cause of indulging in ragging is deriving a sadistic pleasure or showing off power, authority or superiority by the seniors over their juniors or freshers.

05 The State of Andhra Pradesh has enacted the Andhra Pradesh Prohibition of Ragging Act, 1997 with the object to curb the evil practice of ragging in the educational institutions and some of the salient features are:

> "1. (iv) causes grievous hurt of kidnaps or abducts or rapes or commits unnatural offence with a student, he shall be punished with imprisonment for a term which may extent to five years and with fine which may extend to ten thousand rupees;
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> (v) causes death or abets suicide shall be punished with imprisonment for life or with imprisonment for a term which may extend to ten years and with a fine which may extend to fifty thousand rupees"

Section 3 of the A.P. Prohibition of Ragging Act, 1997 (for brevity 'the Act'), reads as follows:

> "Prohibition of Ragging:- Ragging within or outside any educational institution is prohibited.

Section 4 deals with Penalty for Ragging, Section 5 deals with dismissal of student who has been convicted of an offence under Section 4. As per clause (1) of Section 6; without prejudice to the foregoing provisions, whenever any student complains of ragging to the head of manager of an educational institution, such head or manager shall inquire into or cause an inquiry to be made into the same forthwith and if the complaint is *prima* facie found true, shall suspend the student or students complained against for such period as may be deemed necessary, and as per sub-

clause (2) the decision of the head or manager of the educational institution under sub-section (1) shall be final and that Section 7 deals with the abetment of the Head or Manager of the educational institutions who fails or neglects to take action in the manner specified in sub-section (1) of Section 6, such person shall be deemed to have abetted the offence and shall be punished with the punishment provided for the offence. As per clause (2) of Section 7 if a student commits suicide due to or in consequence of ragging, the person who commits such ragging shall be deemed to have abetted such suicide.

06 The State Government, in exercise of the powers by sub-section (1) of Section 9 of the Andhra Pradesh Prohibition of Ragging Act, 1997, and by virtue of G O Ms No.67, Higher Education (EC) dated 31.8.2002, had also framed certain Rules namely, Andhra Pradesh Prohibition of Ragging in all Educational Institutions Rules, 2002. The above said Rules are very self explanatory in nature. As per Rule 25 - failure to prevent ragging shall be construed as act of negligence in maintaining discipline in the institution on the part of the management, the Principal and the persons in authority of the institution. Similar responsibility shall be liable to be fixed on hostel Warden/Superintendents. As per Rule 29, the above guidelines are only illustrative and are not intended to come in the way of institutions and authorities devising ways and means to curb the ragging. So, it goes to show that by virtue of the provisions of the Act, ragging is prohibited within or outside of any educational institutions in the State. But, in practice, it goes without saying that the ragging is still continued in most of the educational institutions and the students who came either from rural or other parts of the State and the students who are not able to bear the consequences are taking it as a serious distort and are resorting to the acts of committing suicide and as a result of which, many innocents lost their lives.

07 In the above circumstances, the resultant view is that Ragging Act is not enforced in its true spirit and in fullest form either by the educational institutions or by the authorities concerned. No doubt the provisions under the Act contemplate ragging as an offence. The Rules and the guidelines issued under G O Ms No.67, Higher Education (EC-2) Department, dated 31.8.2002 show that a review committee shall be constituted by the District Collector as Chairman and the composition of the

committee will be as follows:-

i. Collector - Chairman

ii. Superintendent of Police - Vice-Chairman

iii. (a) Revenue Divisional Officers ()

(b) Sub-Divisional Police Officers () Members

(c) College Principals ()

It is also stated that the Committee shall meet twice before the academic session and twice during the academic session to review the prevalent situation and evolve effective measures to combat ragging. As per Guideline No.2 , apart from the review committee, the educational institution should provide for the constitution of a committee consisting of the parents and guardians of the students as well as two representatives of students union, if any, principal and a representative of teaching staff and it should also have a regular review meetings with the parents. The guidelines No.6 postulates that the Management, Principal, the teaching staff should interact with freshers and take them in confidence by apprising them of their rights as well as obligations to fight against ragging and to generate confidence in their minds. It has also to be observed that as per guideline No.12, the hostels/accommodations where freshers are accommodated be carefully guarded by prohibiting the entry of seniors and outsiders after specified hours of night and before except under the permission of the person in-charge.

08 However, as this is a taken up writ petition on a news item, we thought it fit to render our judgment keeping in view the student community at large without going in to the question whether the authorities concerned i.e., either the State Government or of the Educational institutions, are complying with the provisions of the Act, Rules or the guidelines or not, for the reason that very often the media, i.e., news papers, are very regular in their reports that there are certain deaths arising out of the acts of ragging. Under the above circumstances , we thought it fit to issue certain directions, perhaps to the authorities of the State Government like the police department represented by the Secretary to Home Department, the Director General of Police, in view of the fact that as per guideline No.7 the District Collector of the particular District and the Superintendent of Police are members of the review committee apart from others. It is, no doubt, true that the Apex Court also in catena of judgments,

particularly in the decision reported in Vishwa Jagriti Mission vs., Central Government (1st supra) has observed as follows:

> "Some of the States have enacted legislations making ragging as defined therein a cognizable and punishable offence. Ragging cannot be curbed merely by making it a cognizable criminal offence. The acts of indiscipline and misbehavior on the part of the students must primarily be dealt with within the institutions and by exercise of the disciplinary authority of the teachers over the students and of the management of the institutions over the teachers and students. Students ought not ordinarily be subjected to police action unless it be unavoidable. The students going to the educational institutions for learning should not remain under constant fear of being dealt with by police and sent to jail and face the Courts. Ragging if it becomes unmanageable or amounts to a cognizable offence the same may be reported to the police. The police shall deal by keeping in mind that they are dealing with students and not criminals. The action of the police should never be violent and be always guided by a correctional attitude."

The Apex Court also suggested certain guidelines to curb the menace of ragging and some of them are :

> " Anti-ragging movement should be initiated by the institutions right from the time of advertisement for admissions.
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> If there be any legislation governing ragging or any provisions in the Statuite/Ordinances they should be brought to the notice of the students/parents seeking admissions.
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> The management, the principal, the teaching staff should interact with freshers and take them in confidence by apprising them of their rights as well as obligation to fight against ragging and to generate confidence in their mind.
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> Institution to constitute a proctorial committee to keep a continuous watch and vigil over ragging and promptly deal with the incidents of ragging.
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> If individuals committing or abetting ragging are not identified collective punishment could be resorted to.
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> Migration certificate to contain entry indicating whether the student had participated in and in particular was punished for ragging.
>
> Stoppage of financial assistance by UGC/funding agency to institutions failing to curb ragging.

Institution to face disaffiliation.

Xxxxx”

09. Further, it has to be observed that most of the educational institutions did not incorporate the factum of the disadvantages of ragging in its prospectus which is supplied at the time of admission. So it is desirable to instruct all the educational institutions to see that the students, at large, should be made aware of the disadvantages of the ragging most probably through the prospectus and by way of publicity and the punishment for violation of the provisions of the Act. Further, we do not find any communication with regard to the disadvantages of the ragging either in the news papers or in the prospectus or through the media of the television.

10. It may also be out of the innocence the students may resort to ragging only to enjoy the freshness of the college, but however ragging has become a serious sociological problem in the present trend of community of students and is some times leading to commission of suicides and it goes without saying that once life has gone, neither the then students nor the Courts can bring back the same and compensate the loss suffered by the parents of that student. Further, we are doubtful whether the guidelines as contained in GOMs No.67 Higher Education (EC-2) Department, dated 31.8.2002 with regard to the establishment of Review Committee with the District Collector as Chairman and the Superintendent of Police as Vice Chairman and other officials as members, is being implemented or not. We are hopeful that the student community will be aware of the distorts of law and also the disadvantages of the ragging so that at least some of the lives will be saved from this social evil of ragging and also to some extent preventing the students from committing suicides.

11. Under the above facts and circumstances, apart from the Acts, Rules and the guidelines already framed and issued by the State Government, but in the interest of student community at large, we thought it fit to direct the Secretary of Home department, District Collectors, the D.G.P and also the Registrars of Universities, the Director of Higher Education, the Director of School Education and the Board of Intermediate Education, the following guidelines;

a. that every educational institution should notify the disadvantages of ragging and also the consequences there of and the

punishments for violation of the same in this regard in their prospectus for admission

b. That as soon as the admissions of the freshers have started all the educational institutions must see that the students are made aware of the disadvantages of the ragging either by conducting classes or by way of lectures by the concerned teachers of the institution at least for a group of students as identified allotting one class in each week/month for bringing to the notice of the students about the disadvantages of the ragging

c. All the communications of media like the Televisions, News papers, Open circulars, Suitable posters at colleges and hostel premises etc., by the Principal/head of the institution and that Public Address system should be utilized to bring to the notice of the students that ragging is a serious offence and wide publicity should be given mostly in the places where educational institutions are situated and at the traffic junctions through the public address system, at least, in the specified hours.

d. Strict surveillance should be maintained in such locations for prevention of ragging.

e. The educational institutions, who are able to afford, can also utilize the channels of media to give adequate publicity to the negative aspects of ragging and also narrating the past incidents of suicides, so that public awareness and aversion can be built up against ragging, as once life is lost, it is lost for ever in view of the fact that the agony of the parents cannot be explained in words as they would be sending their children with a hope that their children would come out of the portals of educational institutions with good education in near future;

f. As the matter relates to the students at large, the authorities i.e., District Collector and the Police department should cooperate with the educational institutions to bring awareness amongst the student community by arranging group meetings between

the students of certain institutions at specified times and at specified places in the same collage campus about the 'disadvantages of ragging', so that the students, if any, have any idea of indulging into ragging, would definitely change their minds, if they are properly taught.

g. Whenever any student complains of ragging to the Head of the Educational Institution, such head shall enquire into the same forthwith and if the complaint is found true, shall take serious action against such doer of the act in view of the fact that no educational institution is taking serious view on the ragging till it becomes very serious in nature

h. The Head of the institution shall constitute anti ragging squads involving teachers and students to prevent ragging and keep continuous watch and vigil over ragging so as to prevent its occurrence and recurrence.

i. The Principal/Head of the institution shall obtain an undertaking in writing from the students at the time of admission that they shall not resort to ragging inside or outside the institution;

j. As soon as fresh admissions are over, Principal/head of the institution should see that there should be an assembly of the students of all classes including the freshers and seniors wherein the lecturers should take part with regard to the interaction amongst them and also the lecturers, teachers, staff and the students should be requested to take oath that they will not resort to ragging and the they will move friendly with all the freshers and juniors, and if that is done, we are hopeful that the students community at large would definitely understand the disadvantages of ragging;

k. At the commencement of the Academic session, the Review

Committee headed by the District Collector and the Superintendent of Police of the concerned Districts should ensure that there should be an interaction with the students at large at least periodically may be twice in a month till the students i.e., freshers are settled down in their colleges to see that the act of ragging comes down and the freshers feel confident and secure in their college campus;

l. The Universities and the institutions shall at a reasonable time before the commencement of an academic year, and at frequent intervals, deliberate over and devise such positive and constructive activities to be arranged by involving the students generally so that the seniors and juniors, and the existing students and the freshers, interact with each other in a healthy atmosphere and develop a friendly relationship so as to behave like members of a family in an institution;

m. To stop the ragging awareness should be brought amongst the students, teachers and parents that ragging is a reprehensible act which does no good to any one and by simultaneously generating an atmosphere of discipline by a clear message that no act of ragging shall not go unnoticed and unpunished;

12. We hope that the above directions are issued to the above authorities to see that they are implemented by all the concerned, to avoid the recurrence of ragging in future.

13. With the aforesaid observations, the writ petition is disposed of. No costs.

(T MEENA KUMARI, J)

(K C BHANU, J)

Dt. 02.12.05

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Copies to :

1. The Vice Chancellors of all the Universities in the State, - to be circulated by Principal Secretary to Home Department.

2. The Registrars of all the Universities in the State: i.e., Osmania, JNTU; Kakatiya, Sri Krishnadevaraya, NTR Health University, Sri Venkateswara, Nagarjuna, Andhra University etc.,

3. All the District Collectors;

4. All the Superintendents of Police;

5. The Secretary, Home Department;

6. The Directors of Higher Education, School Education, Intermediate Education and Technical Education

- For communication of the same to all the Educational Institutions through their machinery & mechanism.

THE HON'BLE SMT JUSTICE T MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K C BHANU

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WRIT PETITION No. 23345 of 2005

(per the Hon'ble Smt Justice T Meena Kumari)

December 2005